THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16257 OF 2006

DATED: 04-08-2006

Between:

Jale Ayyavaru Cheety s/o late Lakshmi Narasaiah,
Kadapa

... Petitioner

And

The Special Deputy Collector (LA)
Somasila Paroject, Kadapa and others

... Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 16257 OF 2006

O R D E R:

The writ petition is filed assailing the order of the 1st respondent dated 27.4.2006 referring to the civil court for adjudication u/Sec. 31(2) of the Land Acquisition Act 1894 (for short 'the Act'), the dispute as to whether the property acquired by a notification under the provisions of the Act belong to the petitioner, is an Endowment regulated by the provisions of the the AP Charitable and Hindu Religious Institutions & Endowments Act, 1987 or to another claimant Sri Jala Rajaglopal Chetti.

The impugned order of the 1st respondent is preceeded by a tortuous, prolonged and meandering course of litigation. The property was earlier notified for acquisition in 1981and an award was passed in

1989 beyond the statutory period prescribed for passing the award. The award having lapsed, pursuant to the orders of this court in a writ petition instituted by the petitioner, a fresh notification u/Sec.4(1) of the Act was issued in the year 2004 and an award passed on 27.4.2006.

In the award enquiry the 1st respondent noticed rival claims to the property. Meanwhile pursuant to the directions of this court in W.P.No. 786/92 by the judgment dated 8.2.1993, the State deposited 80% of the compensation as arrived at pursuant to the earlier notification in the year 1981. The petitioner has also drawn the said amount. Now that the 1st respondent noticed rival claims to title to the property. He has, therefore in exercise of an available spectrum of discretion, power, authority and jurisdiction, referred the mater to the civil court u/Sec. 31(2) of the Act.

This court finds no infirmity either in the application of law or the exercise of lawfully available discretion by the 1st respondent, warranting interference u/Art. 226 of the Constitution. As the issue has been pending for over 25 years, the Civil Court concerned is requested to expeditiously consider the reference made by the 1st respondent and dispose of the same within a period of six months from the date, the mater was referred to the said Civil Court. The petitioner is at liberty to sensitize the Civil Court hearing the reference, as to the observations of this court in this writ petition regarding the need for expeditious disposal.

In the above circumstances, the writ petition is disposed of. No order as to costs.

GODA RAGHURAM,J

4th AUGUST 2006
PVSN/TSNR